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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/066,035	02/01/2002	Hiroshi Terada	10873.403USRE	3964
23552	7590	10/08/2003	EXAMINER	
MERCHANT & GOULD PC P.O. BOX 2903 MINNEAPOLIS, MN 55402-0903			BRASE, SANDRA L	
		ART UNIT	PAPER NUMBER	
		2852		

DATE MAILED: 10/08/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	Application N .	Applicant(s)	
	10/066,035	TERADA ET AL.	
	Examiner Sandra L. Brase	Art Unit 2852	
<i>-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --</i>			
<b>Period for Reply</b>			
<b>A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.</b>			
<ul style="list-style-type: none"> <li>- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.</li> <li>- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.</li> <li>- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.</li> <li>- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).</li> <li>- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).</li> </ul>			
<b>Status</b>			
1) <input checked="" type="checkbox"/> Responsive to communication(s) filed on <u>01 August 1103</u> .			
2a) <input checked="" type="checkbox"/> This action is <b>FINAL</b> .      2b) <input type="checkbox"/> This action is non-final.			
3) <input type="checkbox"/> Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under <i>Ex parte Quayle</i> , 1935 C.D. 11, 453 O.G. 213.			
<b>Disposition of Claims</b>			
4) <input checked="" type="checkbox"/> Claim(s) <u>1-40</u> is/are pending in the application.			
4a) Of the above claim(s) _____ is/are withdrawn from consideration.			
5) <input checked="" type="checkbox"/> Claim(s) <u>1-34</u> is/are allowed.			
6) <input checked="" type="checkbox"/> Claim(s) <u>35-40</u> is/are rejected.			
7) <input type="checkbox"/> Claim(s) _____ is/are objected to.			
8) <input type="checkbox"/> Claim(s) _____ are subject to restriction and/or election requirement.			
<b>Application Papers</b>			
9) <input type="checkbox"/> The specification is objected to by the Examiner.			
10) <input type="checkbox"/> The drawing(s) filed on _____ is/are: a) <input type="checkbox"/> accepted or b) <input type="checkbox"/> objected to by the Examiner. Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).			
11) <input type="checkbox"/> The proposed drawing correction filed on _____ is: a) <input type="checkbox"/> approved b) <input type="checkbox"/> disapproved by the Examiner. If approved, corrected drawings are required in reply to this Office action.			
12) <input type="checkbox"/> The oath or declaration is objected to by the Examiner.			
<b>Priority under 35 U.S.C. §§ 119 and 120</b>			
13) <input checked="" type="checkbox"/> Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).			
a) <input checked="" type="checkbox"/> All b) <input type="checkbox"/> Some * c) <input type="checkbox"/> None of: 1. <input type="checkbox"/> Certified copies of the priority documents have been received. 2. <input checked="" type="checkbox"/> Certified copies of the priority documents have been received in Application No. <u>09/309,922</u> . 3. <input type="checkbox"/> Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)). * See the attached detailed Office action for a list of the certified copies not received.			
14) <input type="checkbox"/> Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application). a) <input type="checkbox"/> The translation of the foreign language provisional application has been received.			
15) <input type="checkbox"/> Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.			
<b>Attachment(s)</b>			
1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)		4) <input type="checkbox"/> Interview Summary (PTO-413) Paper No(s). _____ .	
2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)		5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)	
3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449) Paper No(s) _____ .		6) <input type="checkbox"/> Other: _____ .	

## **DETAILED ACTION**

### ***Claim Rejections - 35 USC § 103***

1. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

2. This application currently names joint inventors. In considering patentability of the claims under 35 U.S.C. 103(a), the examiner presumes that the subject matter of the various claims was commonly owned at the time any inventions covered therein were made absent any evidence to the contrary. Applicant is advised of the obligation under 37 CFR 1.56 to point out the inventor and invention dates of each claim that was not commonly owned at the time a later invention was made in order for the examiner to consider the applicability of 35 U.S.C. 103(c) and potential 35 U.S.C. 102(e), (f) or (g) prior art under 35 U.S.C. 103(a).

3. Claims 35-37 and 40 are rejected under 35 U.S.C. 103(a) as being unpatentable over Abe et al. (US 6,049,691) in view of Yoneda et al. (US 5,752,148).

4. Abe et al. (...691) disclose an image heating device comprising: a heat-generating member comprising a magnetic layer (10A); a magnetization member (18) for magnetizing the heat-generating member with an alternating magnetic field, which is arranged in opposition to the heat-generating member (col. 15, lines 59-63); and a nip portion (N) for heating a recording material that carries a toner image with heat from the heat-generating member, while the

recording material is being conveyed along the nip portion (col. 15, line 63 – col. 16, line 5); wherein the nip portion is formed by a movable film (F), which is separate from the heat-generating member (figure 13). The heat-generating member contacts the rear surface of the film (figure 13). A pressure roller (30) is provided on the front surface of the film (figure 13). However, Abe et al. (...691) do not disclose the heat-generating member located at a different position than the nip, the heat-generating member and the magnetization member located upstream of the nip portion, and the heat-generating member being a rotatable roller. Yoneda et al. (...148) disclose a heating device that is provided inside a fixing film, and is located at a different position than a fixing nip and located upstream of the nip (col. 5, lines 5-59; col. 9, lines 15-59; and figures 3 and 10). The heating device can take the form of a rotatable roller located outside of the nip (figure 10). It would have been obvious to one of ordinary skill in the art at the time of the invention to have the heat-generating member located at a different position than the nip and the heat-generating member and the magnetization member located upstream of the nip portion, since such a location for a heating device for fixing, as disclosed by Yoneda et al. (...148), is well known in the art for a heating device of a fixing member, and it would have also been obvious to have the heat-generating member be a rotatable roller, as disclosed by Yoneda et al. (...148) since such a form for a device for heating is well known in the art.

5. Claim 38 is rejected under 35 U.S.C. 103(a) as being unpatentable over Abe et al. (US 6,049,691) in view of Yoneda et al. (US 5,752,148) as applied to claim 35 above, and further in view of Hayasaki et al. (US 5,819,150).

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6. Abe et al. (...691) in view of Yoneda et al. (...148) disclose the features mentioned previously, but do not disclose the heat-generating member provided on the rear side of the film and contacts a portion of the film, and the magnetization member is provided on a surface side of the film. Hayasaki et al. (...150) disclose a image heating device including a heat-generating member provided on the rear side of the film and contacts a portion of the film, and the magnetization member is provided on a surface side of the film (figure 12). It would have been obvious to one of ordinary skill in the art at the time of the invention to have the heating device configured such that the heat-generating member is provided on the rear side of the film and contacts a portion of the film, and the magnetization member is provided on a surface side of the film, as disclosed by Hayasaki et al. (...150), since such a configuration for a image heating device is well known in the art.

7. Claim 39 is rejected under 35 U.S.C. 103(a) as being unpatentable over Abe et al. (US 6,046,691) in view of Yoneda et al. (US 5,752,148) as applied to claim 35 above, and further in view of Okabayashi et al. (US 5,822,669).

8. Abe et al. (...691) in view of Yoneda et al. (...148) disclose the features mentioned previously, and Yoneda et al. (...148) disclose a pressure roller (31) on the rear side of the film (5), but do not disclose the roller has low thermal conductivity. Okabayashi et al. (...669) disclose an image heating device including a pressure member contacting the rear surface of a film, where the pressure member is a roller with thermal conductivity (col. 11, lines 28-55; and figures 20 and 21). It would have been obvious to one of ordinary skill in the art at the time of the invention to have the pressure roller on the rear side of the film have low thermal

conductivity, as disclosed by Okabayashi et al. (...669), since such types of rollers are known for pressure roller in image fixation.

***Allowable Subject Matter***

9. Claims 1-34 are allowed.

***Response to Arguments***

10. Applicant's arguments with respect to claims 35-40 have been considered but are moot in view of the new ground(s) of rejection.

***Final Rejection***

11. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

***Prior Art***

12. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Maeyama (US 6,226,488) disclose a heating device inside a fixing film and upstream of a fixing nip.

Mano et al. (US 5,801,359) disclose a heating device that includes a field coil unit and a magnetic heat-generating portion.

***Contacts \ Inquiry***

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Sandra L. Brase whose telephone number is (703) 308-3101.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Arthur T. Grimley, can be reached on (703) 308-1373. The fax phone number for the organization where this application or proceeding is assigned is (703) 305-3431 or 305-3432.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 308-0956.



Sandra L. Brase  
Primary Examiner  
Art Unit 2852

September 29, 2003